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AN ACT

RELATING TO PROCUREMENT; RAISING THE THRESHOLD FOR SMALL  
PURCHASES IN THE PROCUREMENT CODE; AMENDING A SECTION OF THE  
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-1-104 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 77, as amended) is amended to read:

"13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE.--

A. An invitation for bids or a notice thereof  
shall be published not less than ten calendar days prior to  
the date set forth for the opening of bids. In the case of  
purchases made by the state purchasing agent, the invitation  
or notice shall be published at least once in at least three  
newspapers of general circulation in this state; in addition,  
an invitation or notice may be published electronically on  
the state purchasing agent's web site that is maintained for  
that purpose. In the case of purchases made by other central  
purchasing offices, the invitation or notice shall be  
published at least once in a newspaper of general circulation  
in the area in which the central purchasing office is  
located. These requirements of publication are in addition  
to any other procedures that may be adopted by central  
purchasing offices to notify prospective bidders that bids  
will be received, including publication in a trade journal,

1 if available. If there is no newspaper of general  
2 circulation in the area in which the central purchasing  
3 office is located, such other notice may be given as is  
4 commercially reasonable.

5 B. Central purchasing offices shall send copies of  
6 the notice or invitation for bids involving the expenditure  
7 of more than twenty thousand dollars (\$20,000) to those  
8 businesses that have signified in writing an interest in  
9 submitting bids for particular categories of items of  
10 tangible personal property, construction and services and  
11 that have paid any required fees. A central purchasing  
12 office may set different registration fees for different  
13 categories of services, construction or items of tangible  
14 personal property, but such fees shall be related to the  
15 actual, direct cost of furnishing copies of the notice or  
16 invitation for bids to the prospective bidders. The fees  
17 shall be used exclusively for the purpose of furnishing  
18 copies of the notice or invitation for bids of proposed  
19 procurements to prospective bidders.

20 C. A central purchasing office may satisfy the  
21 requirement of sending copies of a notice or invitation for  
22 bids by distributing the documents to prospective bidders  
23 through electronic media. Central purchasing offices shall  
24 not require that prospective bidders receive a notice or  
25 invitation for bids through electronic media.

1           D. As used in this section, "prospective bidders"  
2 includes persons considering submission of a bid as a general  
3 contractor for the construction contract and persons who may  
4 submit bids to a general contractor for work to be  
5 subcontracted pursuant to the construction contract. Central  
6 purchasing offices shall make copies of invitations for bids  
7 for construction contracts available to prospective bidders.  
8 A central purchasing office may require prospective bidders  
9 who have requested documents for bid on a construction  
10 contract to pay a deposit for a copy of the documents for  
11 bid. The deposit shall equal the full cost of reproduction  
12 and delivery of the documents for bid. The deposit, less  
13 delivery charges, shall be refunded if the documents for bid  
14 are returned in usable condition within the time limits  
15 specified in the documents for bid, which time limits shall  
16 be no less than ten calendar days from the date of the bid  
17 opening. All forfeited deposits shall be credited to the  
18 funds of the applicable central purchasing office."

19           Section 2. Section 13-1-125 NMSA 1978 (being Laws 1984,  
20 Chapter 65, Section 98, as amended) is amended to read:

21           "13-1-125. SMALL PURCHASES.--

22           A. A central purchasing office shall procure  
23 services, construction or items of tangible personal property  
24 having a value not exceeding twenty thousand dollars  
25 (\$20,000) in accordance with the applicable small purchase

1 regulations adopted by the secretary, a local public body or  
2 a central purchasing office that has the authority to issue  
3 regulations.

4 B. Notwithstanding the requirements of Subsection  
5 A of this section, a central purchasing office may procure  
6 professional services having a value not exceeding thirty  
7 thousand dollars (\$30,000), excluding applicable state and  
8 local gross receipts taxes, except for the services of  
9 architects, landscape architects, engineers or surveyors for  
10 state public works projects or local public works projects,  
11 in accordance with professional services procurement  
12 regulations promulgated by the department of finance and  
13 administration, the general services department or a central  
14 purchasing office with the authority to issue regulations.

15 C. Notwithstanding the requirements of Subsection  
16 A of this section, a state agency or a local public body may  
17 procure services, construction or items of tangible personal  
18 property having a value not exceeding five thousand dollars  
19 (\$5,000) by issuing a direct purchase order to a contractor  
20 based upon the best obtainable price.

21 D. Procurement requirements shall not be  
22 artificially divided so as to constitute a small purchase  
23 under this section."

24 Section 3. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2005. \_\_\_\_\_